

PATENT APPLICATION

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Remarks

Reexamination and reconsideration of this application, as amended, is requested. Claims 1, 2 and 4 – 25 remain in the application and no new claims have been added or canceled.

Applicant believes there is no charge for this response because no new claims have been added.

Response to the 35 U.S.C. § 103(a) Rejection

The Office Action rejects claims 1, 3 – 4, 6, 12 – 13, 16, 19 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Oueslati et al. (Pub. No.: US 2002/01015503 A1) in view of Makinwa et al. (US 5,750,939). Applicant respectfully submits that rejection has been overcome in view of the remarks that follow.

Applicants respectfully submit that the Examiner cannot satisfy the basic requirements of a prima facie case of obviousness by using Oueslati and Makinwa to reject pending independent claims, 3 – 4, 6, 12 – 13, 16, 19 and 23 and claims that depend therefrom. For the Examiner to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references. Second, there must be some reasonable expectation of success. Finally, the references when combined must teach or suggest all of the claimed limitations. Manual of Patent Examining Procedure, Section 2143. For the reasons articulated below, the Applicants believe that in the present case, the Examiner has not met this burden.

Applicant begins with claim 1. Claim 1 specifically recites:

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" A portable communication device comprising:

a display; and

a detachable joystick; wherein the portable communication device is adapted to receive the detachable joystick, and the detachable joystick provides a user input indicated with the display, and wherein the detachable joystick is capable of being stored within the portable communication device when not in use."

Applicant submits that Queslati cannot be properly combined with Makinwa to teach the present invention. Queslati discloses a handheld computer that is configured with a housing, a display supported in the housing, and computing electronics supported in the housing and configured to communicate with the display. The handheld computer disclosed also includes an integrated input device configured to provide input to the handheld computer. The input device provides different input signals to the computing electronics dependent upon a directional movement provided by a user.

Makinwa discloses in a data processing system including a graphic tablet and a wireless stylus cooperating with the tablet, the stylus transmits an electromagnetic field to be received by the tablet. The stylus has a detector whereby a disturbance of the field, caused by a means external of the stylus, can be detected.

Neither Queslati nor Makinwa relate to a mobile communication device as Queslati discloses a handheld computer and Makinwa discloses a graphics tablet. Although the accessory device in Queslati described in Paragraph 20 discusses communication of data, this is not integral to the computer 100 and must be connected to computer 100 via an electrical connector. Thus, Applicant respectfully submits that the disclosure of Queslati is not a portable communication device.

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Regarding Makinwa, as it discloses a graphics tablet with no communication capability, portable or otherwise, it as well is not a portable communication device as in the present invention. Further, even if Queslati was considered a portable communication device, there is no suggestion or motivation of combining Queslati and Makinwa. With the benefit of hindsight, the integration of portable communication devices and computers (such as PDAs) with joysticks may seem more prevalent, however, at the time of the invention there is no suggestion of motivation of combining the two and thus Applicant submits it would not be obvious to combine Queslati and Makinwa, with its capability of storing the joystick stored within the device, even if Queslati were considered a portable communication device.

Regarding independent claim 12, it specifically states:

12. "A method comprising:

providing user input to a portable communication device using a detachable joystick, wherein the detachable joystick is capable of being stored within the portable communication device when not in use."

For at least the reasons set forth above, as claim 12 requires "providing user input to a portable communication device", Applicant submits this rejection has been traversed.

The Office Action rejects claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Caravella et al. (US Patent No. 6,041,221) in view of Queslati et al. and Ying.

Regarding independent claim 21, it specifically states:

21. An apparatus comprising:

a processor;

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a static random access memory coupled to the processor;
communication module to transmit a wireless communication; a display; and
a detachable joystick to provide a user input indicated with the display,
wherein the detachable joystick is capable of being stored within the portable
communication device when not in use.

Although in the Initial paragraph of the rejection Ying is articulated as being combined with Caravella and Queslati, Applicant takes note that in the subsequent paragraphs Makinwa is combined with Caravella and Queslati for the rejection. Thus, the following statements relate to Makinwa combined with Caravella and Queslati. As previously stated, there is no suggestion, teaching or articulation of a likelihood of success in any of the references to combine the three to achieve the present invention. Indeed, for at least the reasons set forth above, since Queslati and Makinwa are in dissimilar arts than Caravella (i.e. computers and computer tablets vs. wireless communication), the combination would not be obvious and would be highly unlikely.

Regarding claims 2, 4 - 11, 13 - 20 and 22 - 25 , as they are dependent from claims 1, 11 and 21, for at least the reasons set forth above, Applicant submits the rejection for these claims have as well be traversed.

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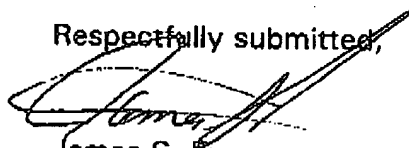
Conclusion

Applicant believes that the foregoing is a full and complete response to the Office Action mailed 24 March 2004, and it is submitted that claims 1, 2 and 4 - 25 are in condition for allowance.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (202) 607-4607 is respectfully solicited.

Respectfully submitted,



James S. Finn
Reg. No. 38450

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c/o Intel Americas, Inc.
4030 Lafayette Center Drive
Building LF3
Chantilly, VA 20151